

Amendments and Remarks
U.S. Appl. No. 10/625,200
Page 4 of 5

Remarks

Applicants request that the present amendment be entered in the pending application. After this amendment is entered, claims 1-16 are canceled and new claims 17-23 are pending. Reconsideration of the application is requested.

New claims 17-22 correspond, in part, to the earlier filed claims 13 -16. The new claims are fully supported by the application and claims as originally filed and no new matter is introduced by the amendment. Specifically, examples of internal tissues or structures that may serve as an anchor or attachment points with the recited sling anchors include the uterus (page 2, paragraph 0024), the sacrospinous ligaments (page 3, paragraph 0039) and the abdominal fascia (page 3, paragraph 00036). Particular anchor location points near a patient's descending rami are set out at page 1, paragraph 0006 and at page 4, paragraph 0054. New claim 23 is also supported by the application as originally filed. An example of placing a sling via a perineum incision is set out at page 3, paragraph 0043. Further support for the new claims is found throughout the specification and in the drawings.

Applicants also request that claims 17-23 be examined together. The system, as now claimed, comprises sling anchors that anchor the ends of the sling to soft tissue, ligaments or fascia. This recitation links the embodiments of the invention recited in claims 18 and 19. Examination of the claims as a group would not be an undue burden on the Examiner.

Claims 13 and 15 were rejected in the outstanding office action as being anticipated by US 5,333,624 (Tovey). These claims are now canceled, therefore the rejection is moot. Applicants submit that Tovey does not teach or suggest the invention of new claims 17-23.

Tovey is asserted to disclose a sling, sling anchors and an inserter. Applicants submit that Tovey reports cleats that anchor a surgical mesh to a delivery device. These cleats do not anchor the mesh to a soft tissue, ligament or fascia in a patient. Instead, once the surgical mesh that is attached to the device reported in Tovey is placed at a implant site, the "mesh may be held in place by the delivery device" or the "mesh may be secured in place to the body tissue by means of a suture, clips and/or staples" (col. 8, lines 35-41). There is no teaching or suggestion in

Amendments and Remarks
U.S. Appln. No. 10/625,200
Page 5 of 5

Tovey to anchor ends of a sling in a soft tissue, ligament or fascia site. Applicants submit that this reference does not anticipate claims 17-23 or make these claims unpatentable.

Claims 13 and 15 were also rejected as being anticipated by US 6,042,534. (Gellman). These claims are now canceled, therefore this rejection is also moot. Applicants also submit that Gellman does not teach or suggest the invention of new claims 17-23.

Gellman is asserted to disclose a sling, suture, sling anchors and inserter. Applicants submit that Gellman reports sling anchors are in bone anchors, not soft tissue, ligament or fascia anchors. The selected section from Gellman that is noted by the Examiner states that "a bone anchor, such as a screw in anchor, a push in anchor or a punch in anchor is introduced in the pubic bone" (col. 16, lines 20-22). There is no teaching or suggestion in Gellman of the now claimed sling anchor that anchor the ends of the sling to soft tissue, ligament or fascia sites. Applicants also submit that this reference does not anticipate claims 17-23 or make these claims unpatentable.

The differences between the cited references and the claimed invention that are set out in these remarks are believed to place the present application in condition for allowance. A notice to this effect is requested.

The Examiner is encouraged to telephone the undersigned to further the prosecution of this application in the event that further issues arise.

Respectfully Submitted,

SHLOMO RAZ et al.

Dated: April 11, 2006

By: 

Paul W. Busse, #32,403
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-7046